IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

CRP.No. 187 of 2007()

AGAINST THE ORDER DATED 16/01/2007 IN EA.56/2003 IN OS.279/1991 of SUB COURT,KOTTARAKKARA
.....

REVN. PETITIONER/PETITIONER:

ROOHALATHUMMAL, KUNDARAZHIKATHU VEEDU, KADAKKAL VILLAGE, KOTTARAKARA.

BY ADV. SRI.DEVAN RAMACHANDRAN

RESPONDENTS/RESPONDENTS:
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1. **ABDUL RASHEED, THOTTUMKARA PUTHEN VEEDU, CHUNDA MURI, KOTTUKKAL VILLAGE, KOTTARAKARA.**

2. **SHARAFUDEEN, PUTHUVALVILA VEEDU, CHERUKULAM P.O., PATTANIMUKKU, CHUNDA, ITTIVA VILLAGE, REPRESENTED BY POWER OF ATTORNEY HOLDER SULAIMAN OF -DO- -DO- (AUCTION PURCHASER).**

3. **SHAJAHAN, S/O.ABDULKHADER, KUNDARAZHIKATHU VEEDU, KOTTUKKAL VILLAGE AND MURI, KOTTARAKARA TALUK.**

R2 BY ADV. SRI.DINESH R.SHENOY

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. 494 OF 2007
IN
C.R.P. NO.187 OF 2007

DISMISSED

1/10/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

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C.R.P. NO. 187 OF 2007

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Dated this the 1st day of October, 2007.

O R D E R

This revision petition is preferred against the order of the Subordinate Judge, Kottarakkara in E.A.56/03 in O.S.279/91. It was an application filed under Order 21 Rule 97 of the CPC. As per the provisions of the CPC when such a petition is filed it has to be decided as if it was a title suit and all disputes arising out of should be settled and it becomes an appealable order. Under Order 21 Rule 103 where an application has been adjudicated the order made thereon shall have the same force and be subject to the same conditions as to an appeal or otherwise as if it were a decree. Therefore, the remedy for the party is to file an appeal in the appropriate forum. Therefore, this C.R.P. is dismissed as not maintainable. Since the petitioner is prosecuting the matter in

a wrong forum and when he files an appropriate appeal the Court wherein it is filed may consider sympathetically the case of the petitioner for condonation of delay.

M.N. KRISHNAN, JUDGE.

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